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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,271	03/18/2004	John A. Damm JR.	11KP-122959	7805

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EXAMINER

ONI, OLUBUSOLA

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,271

Applicant(s)

DAMM, JOHN A.

Examiner

OLUBUSOLA ONI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/07/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Application filed on 03/18/2004

Claim Objection

2. Claim 10 is objected to. The word "auto" on line 1 should be removed.

Applicant should check claims and make appropriate correction.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 1, "a method of updating" is recited; however, it is an abstract idea per se which does not produce useful concrete and tangible result, and as such it is not limited to tangible, patent-eligible subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Comer et al (Patent No. 5,966,716).

For claims 7, Comer teaches "tapping on the cell" (Col. 6, lines 17-24)

"automatically displaying the drop-down list in response to tapping on the cell" (Col. 5, lines 24-46, Col. 6, lines 24-32)

"tapping on one of the alternative cell values to select a new cell value"(Col. 5, lines 24-46)

"automatically entering the new cell value into the cell" (Col. 5, lines 24-46, Col.4, lines 35-55)

For claim 8, Comer teaches "wherein the steps of tapping on the cell and tapping on one of the alternative cell values are performed by a person" (Col. 6, lines 17-24)

For claim 9, Comer teaches "wherein the steps of tapping on the cell and tapping on one of the alternative cell values comprise the step of tapping on a touch screen using a stylus"(Col. 1, lines 14-24, Col. 6, lines 17-24)

For claim 10, Comer teaches "wherein the steps of automatically displaying the drop-

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down list and automatically entering the new cell value are performed by a computer”
(Col. 5, lines 24-46, Col.4, lines 35-55)

For claim 11, Comer teaches “wherein the computer is a handheld computer” (Col. 4, lines 1-13)

For claim 12, Comer teaches “further comprising the step of automatically updating the value of other cells whose value depends upon the value of the cell”(Col. 1, lines 39-50)

For claims 16 this claim is rejected on grounds corresponding to the arguments given above for rejected claim 7 and is similarly rejected.

For claim 17, Comer teaches “wherein the step of clicking on the cell and clicking on one of the alternative cell values are performed by a person using a computer mouse or other pointing device”(Col. 3, lines 14-24)

For claim 18, Comer teaches “wherein the step of automatically displaying the drop-down list and automatically entering the new cell value are performed by a personal computer or laptop”(Col. 1, lines 39-50, Col. 4, lines 1-13)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable as anticipated Comer et al (Patent No. 5,966,716) in the view of Bergman et al. (Pub No. 2003/0033329)

For claim 1, Comer teaches "tapping on the cell" (Col. 6, lines 17-24)

The difference between Comer's teachings and the invention of claim 1 is that Comer does not explicitly teach "automatically increasing the value of the cell by a predetermined increment each time the cell is tapped"

However, Bergman teaches "automatically increasing the value of the cell by a predetermined increment each time the cell is tapped" (See paragraph [0038, 0053])

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Comer's teachings with teachings of Bergman, wherein tapping on the cell can automatically edit the formula the cell, which could either increase or decrease the value of the cell.

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As per claim 2, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 1 above including the following reasons: Bergman teaches "wherein the step of tapping on the cell is performed by a person" (See paragraph [0038])

As per claim 3, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 1 above including the following reasons: Bergman teaches "wherein the step of tapping on the cell comprises the step of tapping on a touch screen using a stylus"(See paragraph [0010, 0012, 0038, 0062])

As per claim 4, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 1 above including the following reasons: Bergman teaches "wherein the step of automatically increasing the value of the cell by a predetermined increment is performed by a computer" (See paragraph [0038])

As per claim 5, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 4 above including the following reasons: Bergman teaches "wherein the computer is a handheld computer" (See paragraph [0037-0038, 0049-0050])

For claim 6, Comer does not explicitly teach "further comprising the step of

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automatically updating the value of other cells whose value depends upon the value of the cell".

However Bergman teaches "further comprising the step of automatically updating the value of other cells whose value depends upon the value of the cell" (See paragraph [0018])

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Comer with teachings of Bergman, wherein the formula of a cell may contain references to other cells, therefore updating a cell will automatically update the other cells.

For claims 13 this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claim 14, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 13 above including the following reasons: Bergman teaches "wherein the step of clicking on the cell is performed by a person using a computer mouse or other pointing device"(See paragraph [0010, 0012, 0038, 0062])

As per claim 15, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 13 above including the following reasons: Bergman teaches "wherein the step of automatically increasing the value of the cell by a

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predetermined increment is performed by a personal computer or laptop"(See paragraph [0038])

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OLUBUSOLA ONI
Examiner
Art Unit 2168



TIM VO
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